

REMARKS

In response to the above-identified Office Action (“Action”), the Applicants submit the following remarks and seek reconsideration thereof. Claims 1-26 are pending in the present application. Claims 1-26 are rejected. In this response, no claims are amended, no claims are cancelled and no claims are added.

I. Claim Rejections under 35 U.S.C. § 103

Claims 1-5, 11-14, 23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication NO. 2002/0009137 by Nelson *et al.* (“Nelson”) in view of US Patent No 5,416,510 issued to Lipton *et al.* (“Lipton”) in further view of US Patent No. 6,574,423 issued to Oshima *et al.* (“Oshima”). Claims 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Lipton and Oshima and further in view of US Patent No. 6,614,936 issued to Wu *et al.* (“Wu”). Claims 15, 19, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Oshima. Claims 16-18, 20-21, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Oshima and further in view of Lipton.

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

In regards to the rejection of claim 1 under 35 U.S.C. § 103, this claim recites “a multiplexing means for multiplexing encoded streams for only essential fields among the four encoded streams received from the encoding means, based on the user display information, such that only the essential fields necessary to display the video on the display of the user are multiplexed for transmittal to the display of the user” (emphasis added). The Applicants previously argued that Nelson, Lipton, and Oshima do not disclose multiplexing only essential

video streams based on the user display information. However, the Examiner has ignored the argument related to multiplexing based on user display information. Specifically, in response to the Applicants' previous arguments, the Examiner continues to cite paragraph [0044] of Nelson to disclose multiplexing based on user display information. However, as discussed previously, these sections do not disclose multiplexing video streams based on user display information. Instead Nelson discloses multiplexing video streams for multiple types of displays irrespective of display information (e.g. resolution or 3D capability of a user's display) and sending these combined video streams to the user's display. Particularly, these sections of Nelson disclose multiplexing both a two-dimensional video stream and a three-dimensional video stream into a single video stream. See Nelson, Paragraph [0044]. Thus, the resulting video stream includes video data which can be displayed on both displays which support three-dimensional images and displays that only support two-dimensional images. See Id. Consequently, the system of Nelson seeks to support multiple display types not by multiplexing based on user display information but instead by sending all possible video streams to the user display of a user. Assuming you agree with this approach, we will have a telephone conference with the Examiner in an attempt to clarify the issue.

Further, Lipton does not cure the deficiencies of Nelson as Lipton does not disclose multiplexing video streams based on user display information. Instead Lipton multiplexes video streams based on the available bandwidth of a transmission infrastructure. See Lipton, Column 9, Line 35 through Column 10, Line 21. Specifically, Lipton discloses compressing left and right video fields and multiplexing the resultant signals such that they can fit within the constraints of a narrow bandwidth. See Id. However, Lipton does not multiplex the encoded streams based on user display information as recited in claim 1, because Lipton instead multiplexes signals based on the bandwidth of transmission medium between the user's display and a video transmission unit.

By multiplexing only essential imagery fields in the video stream based on user display information, the stereoscopic video encoding apparatus of claim 1 efficiently transmits data such that unnecessary data is not utilizing bandwidth. As described above, Nelson and Lipton fails to disclose these elements of claim 1. Further, the Examiner has not cited and the Applicants have been unable to locate any sections of Oshima which cure the deficiencies of Nelson and Lipton. Thus, the combination of Nelson, Lipton and Oshima fails to teach or suggest each element of

claim 1. According to MPEP §2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Therefore, claim 1 is not obvious in view of the combination of Nelson, Lipton and Oshima. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of this claim.

In regard to claims 15 and 23-26, these claims include elements analogous to those of claim 1. For at least the reasons discussed above in relation to claim 1, the combination of Nelson, Lipton and Oshima fails to disclose these elements of claims 15 and 23-26. Therefore, claims 15 and 23-26 are not obvious in view of the combination of Nelson, Lipton, and Oshima. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

In regard to claims 2-14 and 16-22, these claims depend from independent claims 1 and 15, respectively, and incorporate the limitations thereof. The Examiner’s argument assumes that the combination of Nelson, Lipton, and Oshima discloses all elements of claims 1 and 15 which are incorporated in dependent claims 2-14 and 16-22. However, as discussed above, the combination of Nelson, Lipton, and Oshima does not disclose all the limitations of claims 1 and 15. Further, the Examiner has not cited and the Applicants have been unable to locate any sections of Wu which cure the deficiencies of Nelson, Lipton and Oshima. Therefore, claims 2-14 and 16-22 are not obvious in view of the cited prior art. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(310) 207-3800


Farzad E. Amini, Reg. No. 42,261

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Jessica Hueter

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